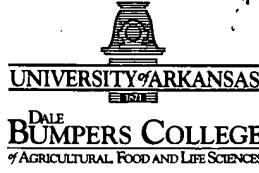




Department of
Horticulture



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FFW
Plant Patent Appl. No. 10/815,438
Art Unit 1661
Filed March 30, 2004
Examiner Anne Marie Grunberg

September 1, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Ms. Grunberg:

Enclosed is an Substitute Specification (one copy original, one with changes marked and labeled "marked up") for patent application no.10/815,438 filed originally 3/30/2004. I ask that you cancel the Previous Specification. Please note that there is not a replacement Claim, Abstract, or Declaration; the intention is to use the original submissions of these as they were found to be acceptable. No additional artwork is provide either since the original submission was found to be acceptable.

I have addressed the items outlined in your response concerning Detailed Action that was postmarked 7/28/2004. Specifically, the following item has been addressed in the Specification text:

1. Latin Name Change in the Specification. The new sentence deletes *Rubus* subgenus *Rubus* and inserts *Rubus* sp. as follows (page 1):

Although blackberries (*Rubus* sp.) are highly heterogeneous and outcrossing, and most clones contain genes from more than one species, the new variety and its progenitor lines phenotypically exhibit characters predominately of the erect eastern United States species, *Rubus allegheniensis* Porter (highbush blackberry) possibly introgressed with *R. argutus* Link. (tall blackberry).

2. U.S. Plant Patent Application Number Addition. The addition of the application number for concurrent cultivar APF-12 has been added (page 3) and the amended text reads:

The floricane bloom period of the new variety averages 0 to 1 day earlier than the variety APF-8 (U.S Plant Patent Application no. 10/815,437), and earlier than the variety Arapaho.

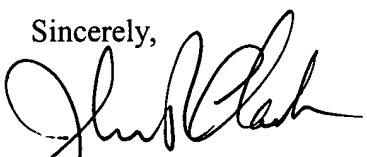
O I P E 3. Seed Weight Information. The addition of text indicating individual seed weight is provided as follows (Pages 10 and 11):

Seed weight - 3.2 mg (dry wt., individual seed).
Seed weight - 3.1 mg (dry wt., individual seed).

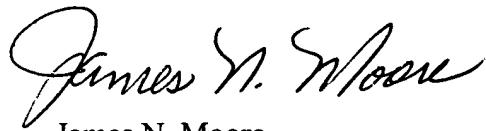
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I believe that all items in the Detailed Action have been addressed in the Substitute Specification and in this letter. Should additional information be needed, please make contact at jrclark@uark.edu or directly by phone at 479-575-2810 or fax 479-575-8619.

Thank you for your time and efforts in this process and for enhancing the precision of this application. I also appreciate your time in phone calls assisting me in addressing the questions in the Specification. Your work was excellent!

Sincerely,



John R. Clark
Professor



James N. Moore
Distinguished Professor Emeritus